

# Regular Session May 17, 2004 Minutes

(Monday, 20 September 2004) - - Last Updated (Monday, 20 September 2004)

Regular Meeting Minutes for May 17, 2004A Regular Meeting of the Mayor and Council of the Borough of Leonia, Bergen County, New Jersey, was held this evening in the Borough Annex commencing at 7:34 pm.

Council Present: Mayor Laurence Cherchi, Councilwoman Heveran, Councilwoman Mitrani, Councilman Puzzo, Councilman Ryan, Councilman Trachtenberg, Council President Dwarica  
Council Absent: None  
Also Present: Fran Lehmann, Borough Clerk, David Russo, Borough Attorney, Victoria Miragliotta, CFO  
Mayor Laurence Cherchi meeting to order.

Mayor Laurence Cherchi asked everyone to stand while Council President Dwarica led the Pledge of Allegiance.

Mayor Laurence Cherchi stated that the conditions of the Open Public Meeting Act have been met by notice placed on the bulletin board at the Borough Hall and notices sent to the official newspaper.

## 1. Approval of Minutes

Special/Work Session May 3, 2004. Council President Dwarica added on page 2, 'he'. Motion to adopt moved by Council President Dwarica, seconded by Councilman Ryan. Vote on Minutes: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes; Council President Dwarica, yes. Motion Passes, Minutes Adopted.

Special/Work Session May 10, 2004. Mayor Cherchi stated on page 4, Councilman Puzzo stated he would not Chair this topic due to a conflict of interest and someone else would have to Chair. On page 5 under dental coverage, comments should reflect that Mayor Cherchi advised that Councilwoman Heveran availed herself of the coverage. Councilman Trachtenberg stated on page 4 under Emergency Siren, the previous engineer did not conduct the test but the manufacturer specified this on the specification sheet that the guaranteed 118 decibels at 100 feet would exceed the allowable exposure by OSHA. The allowable exposure is 115 decibels at 30 seconds. The current engineer has advised that there can be a waiver for emergency purposes. Councilman Trachtenberg questioned Councilman Puzzo recusing himself from the cell ordinance while driving. Councilman Puzzo stated he needs to recuse himself since he works for the phone company. The council struck 'use while driving'. Motion to adopt moved by Council President Dwarica, seconded by Councilman Ryan. Vote on Minutes: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes; Council President Dwarica, yes. Motion Passes, Minutes Adopted.

Closed Session May 10, 2004. To be discussed in Closed Session.

## 2. Reports

### a. Finance Administration and Personnel

Councilman Trachtenberg stated the Finance and Personnel Committee will meet to discuss candidates for the Administrator position. The CFO stated the changes need to be addressed within the Personnel Manual. Extraordinary Aid can not be awarded until the State budget has been adopted. The CFO is recommending that the budget be adopted so that tax bills can be printed. If the budget is adopted late the Borough is likely to receive a penalty. The Borough is trying to avoid borrowing money in a tax anticipation note like the previous year. The CFO is recommending that final adoption of the Budget be scheduled for the June 7th meeting.

### b. Laws and Ordinances

No reports at this time.

### c. Police

Councilwoman Mitrani stated the Police Committee held interviews last week for a patrol officer. On June 4th, there will be a mediation session with the PBA and attorneys.

### d. Fire Commission

Councilwoman Heveran stated on May 22nd, there will be hazardous material drill which will involve towns of mutual aid. On May 23rd, at the Mahwah Academy, there will be a dedication ceremony for fallen firefighter Jerry Krowle. The hoses on the fire truck are in need of repair. Two new applications have been received for full membership and one for junior auxiliary within the Fire Department. The Fire Chief has advised the early warning system has sounded off 12 times in

the last 30 days. The siren is supposed to sound off for 30 seconds and no more than 60 seconds. Every town that has a volunteer fire department has a siren. The Borough is also required by law for the Office of Emergency Management to have some way of communicating with the residents especially due to the close proximity to the highways and the city. Mayor Cherchi stated he conducted a survey several years ago, and several towns did not have sirens. Councilwoman Heveran stated things have changed.

e. Ambulance Commission

No reports at this time

f. Public Works

Councilman Ryan stated the curb painting and the striping will happen in the summer. Curb repair has been scheduled and patch work of the roads has begun. Councilwoman Mitrani questioned how a street is determined for re-paving. Councilman Ryan stated there is a priority list. Mayor Cherchi stated the DPW Superintendent and the Borough Engineer rank the streets that need to be paved. Councilwoman Mitrani questioned who is in charge of the trees that border Hillside Avenue in front of the stores. The trees are surrounded by weeds. Council decided that this is the responsibility of the business owner. The Property Maintenance Officer is to look at this area and speak to the business owners.

g. Real Estate and Insurance

No reports at this time

h. Acting Borough Administrator/CFO

The Stop sign on Hillside and Overlook have been completed. The sign has been removed in Ridgefield. The restrooms in Wood Park are supposed to be open during games, the Recreation Superintendent will speak to the person responsible to ensure that the restrooms are opened during this time. Councilwoman Mitrani suggested that a sign be placed on the bathroom advising when the restroom is open and the alternate restrooms that are open when this one is closed.

i. Special Bodies of the Borough

Mayor Cherchi asked that Councilwoman Heveran report on the Merchants Association. Councilwoman Heveran advised the Merchants Association have not had their meeting yet but will be prepared to report at the next Council meeting. Mayor Cherchi asked that minutes be distributed to the Council if they become available.

j. Mayor

Mayor Cherchi stated he had the honor of presenting a proclamation from Senator Baer to a new Eagle Scout of the Borough's local troop. The scout's name is Luke Angelinie.

Councilwoman Mitrani stated the volunteers planted flowers on Saturday in the downtown area. The triangle has not been done and Councilwoman Mitrani was looking for someone to adopt the triangle. Ms. Lexa Merson has stated she will adopt the triangle. Mayor Cherchi acknowledged the work done by the volunteers.

3. Comments from the Public

Mr. Alfred Kestenbaum of 15 Paulin Boulevard questioned the hiring of Special Counsel as reflected in the minutes. The minutes reflect that the Special Counsel is defending the Borough, Mr. Kestenbaum's action does not charge the Borough but does charge individuals. Mr. Kestenbaum registered his objection to the hiring of the Special Counsel out of taxpayer's funds.

4. Resolutions The Borough Clerk advised Resolution 04-157 states the Leonia Home and School but should reflect the Temple on Grand Avenue. The CFO asked that Resolution 04-156 be pulled and discussed at the next meeting for further review by the departments. No objections noted, resolution will be placed on the next agenda. Council discussed claims. Motion to adopt Resolutions 04-157 through 04-160 moved by Council President Dwarica, seconded by Councilman Trachtenberg. Vote on Resolutions: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes; Council President Dwarica, yes. Motion Passes,

## Resolutions Adopted.

### 5. Introductions of Ordinances

Introduction of Ordinance 12-04 entitled: An Ordinance Replacing Chapter 24 Entitled "Code of Ethics", to be Chapter 26 Ethics, Code of the Borough of Leonia, County of Bergen, State of New Jersey.

#### 1. Borough Clerk read the title

Motion to Introduce Ordinance moved by Councilman Ryan, seconded by Councilwoman Mitrani. Councilman Puzzo questioned on the first page under 26-c if the Council would be utilizing the State Board of Ethics, whereas in the Ordinance states there will be a Local Board. Mayor Cherchi advised the State is creating the Local Boards under the Ordinance. Council changed 'creation' to 'utilizing' so the term State Board is easily understood. Vote on Introduction: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes; Council President Dwarica, yes.

6. Adoption of Ordinances Adoption of Ordinance 09-04 Ordinance Amending and Supplementing Chapter 6 of the Code of the Borough of Leonia, County of Bergen, State of New Jersey Entitled "Ambulance Corps".

#### 1. The Borough Clerk read the title2. The Borough Clerk gave a summary3. Public Hearing – No

Motion to adopt ordinance moved by Councilman Trachtenberg, seconded by Councilwoman Mitrani. Council President Dwarica questioned if the Junior Members will receive a stipend. The ordinance creating the stipend does not mention a Junior Ambulance Corp member to receive a stipend. The ordinance will be reviewed at the next meeting to determine if Junior members will receive a stipend. Vote on adoption: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes, Council President Dwarica, yes. Motion Passes, Ordinance Adopted. Adoption of Ordinance 10-04 entitled: An Ordinance Amending a Portion of Chapter 194 Entitled Vehicles and Traffic of the Code of the Borough of Leonia, County of Bergen, State of New Jersey.1. Borough Clerk read the title2. Borough Clerk gave a summary3. Public Hearing – No One Spoke

Motion to Adopt moved by Councilwoman Heveran, seconded by Councilman Puzzo. Vote on Adoption: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes, Council President Dwarica, yes. Motion Passes, Ordinance Adopted.

Adoption of Ordinance 11-04 entitled: Bond Ordinance to Authorize the Making of Various Public Improvements and the Acquisition of New Additional or Replacement Equipment and Machinery, New Automotive Vehicles, Including Original Apparatus and Equipment, and New Communication and Signal Systems Equipment in, by and for the Borough of Leonia, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$458,000.00 to Pay the Cost Thereof, to Appropriate State Grant, to Make a Down Payment, to Authorize the Issuance of Bond Anticipation of the Issuance of Such Bonds.1. The Borough Clerk read the title2. The Borough Clerk gave a summary3. Public H

Motion to Adopt moved by Councilman Ryan, seconded by Councilman Puzzo. Vote on Adoption: Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes, Council President Dwarica, yes. Motion Passes, Ordinance Adopted.

### 7. Unfinished Business

#### a. Towing Ordinance

Councilwoman Mitrani stated towns are charging an administrative fee and is suggesting a nominal fee should be charged for an administrative fee. Councilwoman Mitrani is suggesting that \$25 be charged for this fee and the

responsible party for paying this fee would be the person that is having the car towed. Mayor Cherchi stated when the car is towed a ticket is involved and the Borough is receiving funds for the ticket. Councilwoman Mitrani stated after the car is towed, a paper trail is established to keep track of where the car has been towed. The Council agreed that an administrative fee should be added. Mayor Cherchi questioned why the tower has to be within 3 miles. Councilman Ryan stated this was so that motorists in the area would be able to retrieve their cars easily, if a distance is not mentioned than the tower could be a considerable distance. Mayor Cherchi questioned how many towers were within the 3 miles radius. The Acting Administrator will contact Captain O'Meara and make any necessary revisions and will submit the findings to the Council.

## 8. Comments from the Public

At the request of Mayor Cherchi, this comment has been done verbatim

Ms. Jean Stokes of 62 Meadowview Court, Leonia,

Stokes I see we have litigation about flooding, this Meadowview

Cherchi It's not litigation, it's I guess potential litigation

Stokes Because we do have a lot of litigation, but anyway, getting back to this, when you, after your closed session, will you make a decision and come back and vote on the Police Personnel

Cherchi Yes, I have noted down to say before we go into Closed Session

Stokes Okay then I'd like to make a comment, I fully understand all of the problems that you are faced with with the litigation, whatever you want to call it, and even recognizing that fact, and recognizing also that probably that there are issues the general public is not aware of, I really think the person at the time for the job and I think you're going to scream, I really think it's Bob Peacock, I think he is the person that can pull the police department together, and I would really like to see him, he's the man for the job at the time, I think, you've got a couple of other good candidates, but I think that Bob would be the one that can pull the police department together, and it's been under a lot of stress and pain, and I think that Bob could do the job, so put my two cents in and I just hope that you would consider that possibility.

Cherchi Can you tell me how you found out that that's under consideration

Stokes That what

Cherchi That that's going to be discussed in Closed Session

Stokes It says right here under Personnel, Closed Session on your agenda and I asked you if that was a possibility that you were going to discuss that

Cherchi I didn't say yes

Stokes I would assume that since Tommy Rowe has retired, resigned that you would be, it would be an actual assumption that you would be considering that

Cherchi I don't know that that's public knowledge

Stokes well, I was told that

Cherchi who told you

Stokes Bob Peacock

Cherchi How convenient, okay thank you

Stokes Well it's true isn't it

Cherchi No comment, we'll talk about it after we come out of closed

Stokes Okay, you will come back into Open Session

Cherchi yes and vote on a resolution

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Stokes            Okay

Cherchi           Thank you very much

Motion to enter into Closed Session moved by Councilman Trachtenberg, seconded by Councilman Ryan.

Motion to exit Closed Session moved by Councilwoman Mitrani, seconded by Councilman Trachtenberg. All in favor, no objections noted.

Motion to adopt resolution 04-161 appointing Jay Zeigler to Chief of Police for the Borough of Leonia moved by Councilman Trachtenberg, seconded by Councilman Ryan. Vote on Resolution: Councilwoman Heveran, no; Councilwoman Mitrani, yes; Councilman Puzzo, no; Councilman Ryan, yes; Councilman Trachtenberg, yes; Council President Dwarica, yes. Motion Passes, Resolution Adopted.

Closed Session Minutes May 10, 2004. Motion to adopt minutes moved by Councilwoman Heveran, seconded by Councilman Trachtenberg. Councilwoman Heveran, yes; Councilwoman Mitrani, yes; Councilman Puzzo, yes; Councilman Ryan, yes; Councilman Trachtenberg, yes; Council President Dwarica, yes. Motion Passes, Minutes Adopted.

Motion to adjourn moved by Council President Dwarica, seconded by Councilman Trachtenberg. All in favor, no objections noted. Inasmuch as there was no further discussion to take place before the Mayor and Council, this meeting adjourned at 9:30 pm.

Respectfully submitted,

Kyla Johnson